



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, शुक्रवार, 7 सितम्बर, 1962/16 भाद्रपद, 1884

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATIONS

Simla-4, the 22nd August, 1962.

No. 1-15/62-LR.—The Hindu Succession (Amendment) Bill, 1962, as introduced in the Lok Sabha, and the statements of Objects and Reasons are hereby published in the Himachal Pradesh Administration Gazette for the purpose of eliciting opinion thereon. Any person or public body desiring to submit an opinion on the Bill should send the same to the Under Secretary (Judicial) to Himachal Pradesh Administration, Simla for onward transmission to the Lok Sabha Secretariat. The opinion should not be sent direct to the Lok Sabha Secretariat or to any Ministry of the Government of India. The opinion should reach the Under Secretary (Judicial) by the 15-11-1962.

S. R. MAHANTAN,
Under Secretary (Judicial).

Bill No. 18 of 1962

THE HINDU SUCCESSION (AMENDMENT) BILL, 1962
(As Introduced in Lok Sabha)

**A
BILL**

further to amend the Hindu Succession Act, 1956.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Hindu Succession (Amendment) Act, 1962.

(2) It shall come into force at once.

2. *Insertion of new section 23A.*—After section 23 of the Hindu Succession Act, 1956, the following new section shall be inserted, namely:—

“23A. *Special provision regarding transfers.*—No transfer of property by female owner shall be valid within two years of the opening of succession in her favour unless it be for consideration, the onus of proof of which shall be on the transferee.”

STATEMENT OF OBJECTS AND REASONS

It has been observed that male co-successor or male relations of female owner take advantage of the emotional nature of the female owner after the death of her father or near relation and get transfers by gift or otherwise without consideration. The female owner, who has come in succession, has no appreciation of the act.

It is necessary to protect her interests by legislation. This can be done by giving her an opportunity of appreciation of her ownership rights and time to think of such rights before she makes a free transfer.

Hence this Bill.

NEW DELHI;
The 5th April, 1962.

J. B. S. BIST.

Simla-4, the 22nd August, 1962

No. 1-7/60-LR.-II.—The Land Acquisition (Amendment) Ordinance, 1962, No. 3 of 1962, recently promulgated by the President of India and published in the Gazette of India, Extraordinary Part II, Section I dated 20-7-1962, is hereby republished in the Himachal Pradesh Administration Gazette for the information of the general public.

S. R. MAHANTAN,
Under Secretary (Judicial).

THE LAND ACQUISITION (AMENDMENT) ORDINANCE, 1962

No. 3 of 1962

Promulgated by the President in the Thirteenth Year of the Republic of India. An Ordinance further to amend the Land Acquisition Act, 1894, and to Validate certain acquisitions under that Act.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Land Acquisition (Amendment) Ordinance, 1962.

(2) It shall come into force at once.

2. *Act I of 1894 to be temporarily amended.*—During the period of operation of this Ordinance, the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 40.*—In sub-section (1) of section 40 of the principal Act, after clause (a) the following clause shall be inserted, namely:—

“(aa) that such acquisition is needed for the construction of some building or work for a Company engaged or to be engaged in an industry which is essential to the life of the community or is likely to promote the economic development of the country; or”.

4. *Amendment of section 41.*—In section 41 of the principal Act,—

(a) for the words “the purpose of the proposed acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith, or that the proposed acquisition is needed for the construction of a work, and that such work is likely to prove useful to the public” the words, brackets, letters and figures “the proposed acquisition is for any of the purposes referred to in clause (a) or clause (aa) or clause (b) of sub-section (1) of section 40” shall be substituted;

(b) in clause (4), the word “and” occurring at the end shall be omitted and after that clause, the following clause shall be inserted, namely:—

“(4A) where the acquisition is for the construction of any building or work for a Company engaged or to be engaged in an industry which is essential to the life of the community or is likely to promote the economic development of the country, the time within which, and the conditions, on which, the building or work shall be constructed or executed; and”.

5. *Validation of certain acquisitions.*—Notwithstanding any judgment, decree or order of any court, every acquisition of land for a Company made or purporting to have been made under Part VII of the principal Act before the commencement of this Ordinance shall, in so far as such acquisition is not for any of the purposes mentioned in clause (a) or clause (b) of sub-section (1) of section 40 of the principal Act, be deemed to have been made for the purpose mentioned in clause (aa) of the said sub-section, and accordingly every such acquisition and any proceeding, order, agreement or action in connection with such acquisition shall be, and shall be deemed always to have been, as valid as if the provisions of sections 40 and 41 of the principal Act, as amended by this Ordinance, were in force at all material times when such acquisition was made or proceeding was held or order was made or agreement was entered into or action was taken.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secretary to the Government of India.

